

Appendix B State Court Record of Refusal by Judge Szambelan

**Superior Court of Washington
For Spokane County**

Alaa Elkhawily, MD individual in his personal
capacity

And

WALL STREET APARTMENTS, LLC,
a Washington limited liability company,

Appellants/ Petitioners /Plaintiffs

v.

The City of Spoknar

Respondent(s)/Defendant(s).

Defendants.

)
) NO. 24-2-04711-32
)
) STATE COURT RECORD
) JUDGE SZAMDELAN
) REFUSAL TO HEAR THE
) PROPERLY NOTED
) EMERGENCY MOTION TO
) STAY HER ORDER
) ASSIGNING HON JUDGE
) PLEASE UNDER RAP 8.1 AND
) REFUSAL TO ISSUE
) WRITTEN ORDER FOR HER
) REFUSAL.

**PLEASE FIND ATTACHED THE RECORD OF JUDGE SZAMDELAN REFUSAL TO
HEAR THE PROPERLY NOTED EMERGENCY MOTION TO STAY HER ORDER
ASSIGNING HON JUDGE PLEASE UNDER RAP 8.1 AND REFUSAL TO ISSUE WRITTEN
ORDER FOR HER REFUSAL.**

**I DECLARE UNDER THE PENALTY OF PERJURY THE ATTACHED
COMMUNICATIONS AND EMAILS ARE TRUE AND CORRECT COPIES OF WHAT
THEY REPRESENT THERETO ARE.**

DATED: APRIL 4, 2025.


s/Alaa Elkhawily
Alaa Elkhawily, MD.
726 W 6th Ave # 303
Spokane WA 99204
507-398-6735
Pro se

DECLARATION OF SERVICE

I hereby declare under the penalty of perjury of the state of Washington that on the date set forth below, I served a true and correct copy of the foregoing on the parties listed below in the manners indicated .

James B. King
818 W. Riverside Ave., Suite 250
Spokane, Washington 99201-0910
JKing@ecl-law.com. (via email)

Wall St Apartments LLC
Governor per Secretary of State online website
Alaa Elkhawily
elkhawily.Alaa@Gmail.com
Nisula12@yahoo.com

Counsel of record
Brian dykman via email
dykmanlaw@msn.com

Signed April 4, 2025

s/ Alaa Elkhawily

FROM: ALAA ELKHARWILY <ELKHARWILY.ALAA@GMAIL.COM>
Date: March 24, 2025 at 9:16:14 AM PDT
To: "Leah M. Hill" <LMhill@spokanecounty.org>
Cc: "Tracy L. Ayers" <TLAYERS@spokanecounty.org>, James King <JKing@ecl-law.com>
Subject: Re: Subject: Request for Hearing Date on Motion to Stay – RAP 8.1(b)(3)

Good morning!

The order assigning Judge Plese has been appealed. Judge Szambelan issued that order that is under appeal.

If the Judge refuses to hear the motion , Please issue an order saying so. Once an order is issued I can see what I need to do. The motion to stay enforcement of the assignment of Judge Plese pending appeal can only be heard by Judge Szambelan.

Thank you,

Alaa

507-398-6735

Sent from my iPhone

On Mar 24, 2025, at 8:41 AM, Hill, Leah M.
<LMhill@spokanecounty.org> wrote:

This case is assigned to Judge Plese in Department 1. All motions, pleadings, hearings, etc. go to her department.

Your motion and supporting documents have been provided to Department 1. Department 10 will not hear this motion.

Thank you,

Leah Hill
Judicial Assistant to the
Honorable Michelle “Shelley” Szambelan
Superior Court Judge, Dept. 10
1116 W. Broadway Ave.
Spokane, WA 99260
Courtroom 4A, 4th Floor Annex
509-477-5792

Notice: All email sent to this address will be received by the Spokane County email system and may be subject to public disclosure under GR 31.1 and to archiving and review.

From: Alaa Elkharwily <elkharwily.alaa@gmail.com>
Sent: Friday, March 21, 2025 4:46 PM
To: Hill, Leah M. <LMhill@spokanecounty.org>
Cc: Ayers, Tracy L. <TLAYERS@spokanecounty.org>; James King <JKing@ecl-law.com>
Subject: Re: Subject: Request for Hearing Date on Motion to Stay – RAP 8.1(b)(3)

Hello Leah,

I had to chose a date and time knowing that if it does not work with Judge Szambelan I can amend , the motion, notice of the hearing and proposed order have been filed as directed to Hon Judge Szambelan.

But as I mentioned the Hon. judge can decide without oral argument and only on the pleading. I served the opposing party and I Dropped the hard copies and proposed order to your office basket as I pushed the ring but no answer.

If the Hon. Judge decide to refuse to the motion staying the enforcement of her order assigning Judge Plese. Please ask her for a written order that I can appeal. Also, if she wants to transfer it to any other judge please make sure it is a written order so I can also appeal it.

Thank you,

Alaa

507-398-6735

Sent from my iPhone

On Mar 21, 2025, at 12:13 PM, Hill, Leah M. <LMhill@spokanecounty.org> wrote:

This case is assigned to Judge Plese, and any hearings must be heard by her.

Thank you,

Leah Hill
Judicial Assistant to the
Honorable Michelle “Shelley” Szambelan
Superior Court Judge, Dept. 10
1116 W. Broadway Ave.
Spokane, WA 99260
Courtroom 4A, 4th Floor Annex
509-477-5792

Notice: All email sent to this address will be received by the Spokane County email system and may be subject to public disclosure under GR 31.1 and to archiving and review.

From: Alaa Elkhawily <elkhawily.alaa@gmail.com>
Sent: Friday, March 21, 2025 12:12 PM
To: Hill, Leah M. <LMhill@spokanecounty.org>
Cc: Ayers, Tracy L. <TLAYERS@spokanecounty.org>
Subject: Re: Subject: Request for Hearing Date on Motion to Stay – RAP 8.1(b)(3)

Since that order I am staying is issued by Hon . Szambelan assigning Hon. Judge Plese. Hon judge Szambelan is the one should hear the motion.

I am respectfully requesting the date and time and my motion be heard by Judge Szambelan,

Thank you,

Alaa

Sent from my iPhone

On Mar 21, 2025, at 11:57 AM, Hill, Leah M. <LMhill@spokanecounty.org> wrote:

This case is assigned to Judge Plese and will need to be heard by her. I have included her assistant, Tracy, in this email.

She can assist you further.

Thank you!

Leah Hill
Judicial Assistant to the

Honorable Michelle “Shelley” Szambelan
Superior Court Judge, Dept. 10
1116 W. Broadway Ave.
Spokane, WA 99260
Courtroom 4A, 4th Floor Annex
509-477-5792

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From: Alaa Elkharwily <elkharwily.alaa@gmail.com>
Sent: Friday, March 21, 2025 11:49 AM
To: Hill, Leah M. <LMhill@spokanecounty.org>
Subject: Re: Subject: Request for Hearing Date on Motion to Stay – RAP 8.1(b)(3)

NO. 24-2-04711-32

Thank you,

Sent from my iPhone

On Mar 21, 2025, at 11:48 AM, Hill, Leah M. <LMhill@spokanecounty.org> wrote:

Please provide a case number.

Thank you,

Leah Hill
Judicial Assistant to the
Honorable Michelle “Shelley” Szambelan
Superior Court Judge, Dept. 10

1116 W. Broadway Ave.
Spokane, WA 99260
Courtroom 4A, 4th Floor Annex
509-477-5792

Notice: All email sent to this address will be received by the Spokane County email system and may be subject to public disclosure under GR 31.1 and to archiving and review.

From: Alaa Elkharwily <elkharwily.alaa@gmail.com>
Sent: Friday, March 21, 2025 11:28 AM
To: Hill, Leah M. <LMhill@spokanecounty.org>
Subject: Subject: Request for Hearing Date on Motion to Stay – RAP 8.1(b)(3)

Dear Ms. Hill,

I hope this message finds you well.

I am respectfully requesting a date and time early next week, at your earliest convenience, to present a **motion to stay proceedings** before the Honorable Judge Szambelan on shortened time. If the Court prefers, I am amenable to having the motion decided on the pleadings without oral argument (due to health issues).

The motion seeks to stay enforcement of Judge Szambelan's order assigning Judge Plese, pursuant to **RAP 8.1(b)(3)**, pending the appeal of that decision in Division III of the state court and resolution of the related Ninth Circuit appeal regarding federal jurisdiction.

Thank you very much for your assistance. Please let me know if you need any additional information.

Sincerely,
Dr. Alaa Elkharwily
507-398-6735

DATED: MARCH 21, 2025.

s/Alaa Elkharwily
Alaa Elkharwily, MD.
726 W 6th Ave # 303
Spokane WA 99204
507-398-6735
Pro se

DECLARATION OF SERVICE

I hereby declare under the penalty of perjury of the state of Washington that on the date set forth below, I served a true and correct copy of the foregoing on the parties listed below in the manners indicated .

James B. King
818 W. Riverside Ave., Suite 250
Spokane, Washington 99201-0910
JKing@ecl-law.com. (via email)

Wall St Apartments LLC
Governor per Secretary of State online website
Alaa Elkharwily
elkharwily.Alaa@Gmail.com
Nisula12@yahoo.com

Counsel of record
Brian dykman via email

dykmanlaw@msn.com

Signed April 4, 2025



s/ Alaa Elkharwily